REMARKS

This is in response to the Office Action mailed on June 18, 2003. In the Office Action, all of the pending claims were rejected either under the judicially created doctrine of double patenting or under 35 U.S.C. §103, or both. No amendments to the pending claims are made by the present filing, although the claims are reproduced for the convenience of the Examiner. All of the claims are believed to be patentable over the cited prior art, and their reconsideration is requested.

First, regarding the double-patenting rejection, the two references cited by the Examiner have been carefully considered, but were not previously considered to be particularly relevant to the subject matter claimed, because the patents do not themselves claim or even teach aspects considered novel in the present application. Specifically, the claimed subject matter of the present application addresses problems of structure identification in images in specific manners recited in the claims.

More specifically, the present application contains five independent claims, namely claims 1, 9, 16, 22 and 30. A first formulation of the inventive solution involves smoothing of an image prior to structure identification. This formulation is recited in claims 1 and 30. In a second formulation, scaling of a threshold for structure identification is recited, as in claim 9. Similarly, the use of multiple thresholds for structure identification is recited in claim 16. In a somewhat different formulation, dominant and perpendicular orientation smoothing is used for feature identification as recited in claim 22. Applicant notes that none of these techniques were known or taught in the art prior to the present invention and these techniques are not taught or claimed in the patents cited by the Examiner under the double-patenting rejection. Accordingly, it is believed that the present claims are clearly patentably distinct from the subject matter of the cited patents, and that the present claims could *not* have been made based upon the disclosure set forth in the cited patents. Accordingly, it is respectfully requested that the

rejection for double-patenting be withdrawn and that the claims be allowed over the cited references.

Regarding the rejections under 35 U.S.C. §103, the Examiner rejected a series of pending claims as unpatentable over Li et al. in view of Polzin et al. Applicants note, however, that the Polzin et al. reference and the present invention were assigned or under an obligation of assignment to a common entity at the time the invention was made. Moreover, the Polzin et al. reference would only qualify as prior art under 35 U.S.C. §102(e), given the copendency of the Polzin et al. patent with the present application (Polzin et al. having issued on December 26, 2000, after the filing date of December 30, 1999 of the present application). Furthermore, in accordance with 35 U.S.C. §103(c), because the present application was filed after November 29, 1999, the Polzin et al. reference is unavailable for use under 35 U.S.C. §103(a). Accordingly, the rejection formulated by the Examiner under that section is not proper.

In view of the foregoing remarks, Applicants earnestly solicit the Examiner to issue a Notice of Allowance at the Examiner's earliest convenience.

Conclusion

In view of the remarks and amendments set forth above, Applicant respectfully requests allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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Patrick S. Yoder
Reg. No. 37,479
FLETCHER YODER
P.O. Box 692289
Houston, TX 77269-2289
(281) 970-4545